

STATEMENT OF PURPOSE

RS20943

In a 2011 Idaho Supreme Court case, Doe v. Doe, 247 P.3d 659 (2011), the Court noted that the Idaho probate code provisions for termination of a minor guardianship were incomplete and essentially only covered removal or resignation. The lower court had relied on section 15-5-212A, which actually only covers minor guardianships established under the Child Protective Act, and which contains clear provisions for removal, modification, and termination in a guardianship. The Court characterized this as a possible "oversight" by the legislature.

This bill amends sections 15-5-210 and 15-5-212, Idaho Code, to add the provisions contained in existing section 15-5-212A, which was enacted in 2007. Neither 15-5-210 or 15-5-212 have been amended since their adoption in 1971. This will give clear guidance to courts and to persons involved in a guardianship of the grounds, standard of proof, and methods for removal or termination of a guardian or for modification of the guardianship.

FISCAL NOTE

This bill will have no fiscal impact.

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